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| <b>Electronically filed on:</b>   |                  |   |
| <b>April 17, 2009</b>   |                  |   |
| <b>RESPONSE TO RESTRICTION<br/>REQUIREMENT AND ELECTION<br/>OF SPECIES REQUIREMENTS</b><br><br>Address to:<br>Mail Stop Amendment<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | Docket No.       | BERK-032  |
|   | Confirmation No. | 7712  |
|   | Application No.  | 10/573,796  |
|   | Filing Date      | December 8, 2006  |
|   | Examiner         | Vogel, Nancy Treptow  |
|   | Group Art Unit   | 1636  |
|   | Title            | METHODS FOR IDENTIFYING<br>A BIOSYNTHETIC PATHWAY<br>GENE PRODUCT |

Sir:

This communication is submitted in response to the Office Action mailed March 31, 2009. The Office Action set forth a one-month time period for response, making a response due on April 30, 2009. Accordingly, this response is timely filed.

#### I. REMARKS

The Office Action set forth a Restriction Requirement and an Election of Species requirement.

##### Restriction Requirement

The Office Action required election of one of the following groups of claims:

Group I:           claims 1-40, 62, and 63; and

Group II:          claims 41-61;

Applicants hereby elect to prosecute the claims of Group I, claims 1-40, 62, and 63.

Applicants expressly reserve the right under 35 U.S.C. §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.